

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MANUEL WILLIAMS,

Plaintiff,

v.

Case No. 07-C-1157

**JOHN DOES, sued as Kitchen Chefs Ted, Barrier, and Hitt,
SARAH COOPER, WILLIAM POLLARD,
and JOHN DOE, sued as Deputy Warden,**

Defendants,

DECISION AND ORDER

Plaintiff, a Wisconsin state prisoner, filed this pro se civil rights action pursuant to 42 U.S.C. § 1983. He paid the full filing fee. The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). On May 12, 2008, I ordered that the original complaint be stricken and directed plaintiff to file an amended complaint that complied with Federal Rules of Civil Procedure 18 and 20 in that it contain only related claims. Plaintiff filed his amended complaint on May 21, 2008. However, on May 27, 2008, plaintiff filed a motion to supplement the amended complaint to raise certain additional claims. According to plaintiff, he neglected to put these claims in his amended complaint because he has a short memory and because he did not have a copy of his claims.

A court may permit a party to file a supplemental pleading “setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented.” Fed. R. Civ. P. 15(d). Plaintiff does not wish to complain of events that occurred after he filed the amended complaint, rather he seeks to include allegations about

events that he forgot about. Thus, I will deny plaintiff's motion to supplement the complaint. However, at this early stage of the proceedings, plaintiff may file another amended complaint that includes all of his claims. See Fed. R. Civ. P. 15(a). Plaintiff may file a second amended complaint on or before August 1, 2008.

Plaintiff is advised that because an amended complaint supercedes a prior complaint, any matters not set forth in the amended complaint are then, in effect, withdrawn. See Duda v. Bd. of Educ. of Franklin Park Pub. Sch. Dist. No. 84, 133 F.3d 1054, 1056 (7th Cir. 1998). If plaintiff files a second amended complaint, it will become the operative complaint in this action and will be screened by the court in accordance with 28 U.S.C. § 1915A. If he does not, I will screen the May 21, 2008, amended complaint.

On May 14, 2008, plaintiff filed a motion requesting that the court enter an order directing the warden at his institution to have the librarian make sufficient copies of the notice of lawsuit and request for waiver of service of summons. Plaintiff's motion relates to the original complaint which, as noted, has been stricken. Thus, plaintiff's motion will be denied.

CONCLUSION

IT IS THEREFORE ORDERED that plaintiff's motion for court order (Docket #12) is **DENIED**.

IT IS FURTHER ORDERED that plaintiff's motion to file supplemental complaint (Docket #17) is **DENIED**. However, plaintiff may file a comprehensive second amended complaint on or before **August 1, 2008**. If plaintiff fails to timely file a second amended complaint, I will screen the May 21, 2008, amended complaint.

Dated at Milwaukee, Wisconsin, this 11 day of July, 2008.

/s

LYNN ADELMAN
District Judge